

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

KEITH LOWE,

Plaintiff,

v.

**Civ. Act. No: 2:25cv272
Judge Thomas Johnston**

SUPERINTENDENT JOHN FRAME, et al.,

Defendants.

DECLARATION OF LYDIA C. MILNES

I, Lydia C. Milnes, make this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746. I declare that I have personal knowledge that the following is a true description of my experience as an attorney, my hourly rates, and the work I necessarily performed in representing the plaintiff in the above captioned case, with regard to Defendant's contempt, as set forth in the Request for Compensatory Civil Contempt Sanctions and related documents.

1. I have been a member of the West Virginia Bar since October 2007. I am admitted to practice before the United States District Courts for the Southern District of West Virginia and the Northern District of West Virginia, as well as the United States Court of Appeals for the Fourth Circuit.

2. I have practiced law at Mountain State Justice, Inc., a non-profit, civil legal services organization since January 2012. In May 2022, I became the Deputy Director of Mountain State Justice. While I have assumed certain administrative and managerial responsibilities, I continue to maintain a full caseload, made up primarily of civil rights and disability rights cases.

3. Since beginning at Mountain State Justice, I have engaged in litigation involving institutional reform of juvenile facilities, mental health facilities, prisons, and jails; as well as systemic reforms against various West Virginia state agencies relating to, among other things, reasonable accommodations for people with disabilities, ensuring students with disabilities receive appropriate special education services, and ensuring incarcerated West Virginians receive adequate medical and mental health care. In addition, I have represented hundreds of clients in civil rights, consumer protection, and special education cases.

4. I received my law degree from Northeastern University School of Law, in Boston, Massachusetts in 2007. In my student evaluations¹, my professors consistently rated my academic work as “excellent” and “outstanding.” I additionally received recognition for my academic excellence by being selected to serve as teaching assistant for Torts and for Legal Writing.

5. After law school, I served from August 2007 until August 2009 as a law clerk to The Honorable Irene M. Keeley, District Court Judge for the Northern District of West Virginia. Thereafter, I served as a law clerk to The Honorable Margaret L. Workman, justice on the West Virginia Supreme Court of Appeals from September 2009 through December 2011.

6. From November 2015 through November 2023, I was appointed to serve as a member of the West Virginia Advisory Committee to the United States Commission on Civil Rights.

7. In July 2024, I was appointed by Governor Jim Justice to serve as a board member for the West Virginia Developmental Disabilities Council. I continue in that role presently.

¹Northeastern University School of Law does not issue letter grades to its students, nor does it create a class ranking. Rather, students receive individual written evaluations from each professor for each class.

8. My hourly rate is \$475.00 per hour. This Court has very recently approved this rate. *See Baxley et al. v. Yardley*, Civ. Act. No. 3:18-cv-1526, Dkt. No. 720, at 5 (S.D.W. Va., Sept. 3, 2025) (finding hourly rate of \$475.00 reasonable and stating “[t]he respective hourly rates are customary, and [Attorney Milnes] [is] experienced and capable”).

9. During the course of this litigation and compiling my time records, I have sought to exercise reasonable billing judgment and keep the number of hours billed to a minimum.

10. According to contemporaneously created time records, and as set forth in the documents attached to this filing, I have accumulated attorney fees in the amount of \$2,802.50 associated with drafting Plaintiff’s motion to obtain records related to the civil commitment proceeding and motion to join Defendant Caruso as a party to this case.

11. No part of any fee award will inure to my personal benefit. Mountain State Justice, however, depends on attorney fee awards to continue our work serving low-income West Virginians.

9/23/25

Date



LYDIA C. MILNES

Date	Amount	Billable Time	Task	Reference	User	Description
06/02/2025	\$570.00	1 Hours 12 Minutes	Draft	Lowe, Keith v Frame et al	Milnes, Lydia	draft motion for prop. Amended compl.
06/02/2025	\$47.50	6 Minutes	Email	Lowe, Keith v Frame et al	Milnes, Lydia	email to hygiene comm
06/02/2025	\$47.50	6 Minutes	Email	Lowe, Keith v Frame et al	Milnes, Lydia	email from OC with documents
06/02/2025	\$47.50	6 Minutes	Email	Lowe, Keith v Frame et al	Milnes, Lydia	email to BHF counsel
06/02/2025	\$142.50	18 Minutes	Research	Lowe, Keith v Frame et al	Milnes, Lydia	research appealing hygiene orders
06/02/2025	\$142.50	18 Minutes	Discussion	Lowe, Keith v Frame et al	Milnes, Lydia	discussion w LN re case strategy
06/12/2025	\$950.00	2 Hour	Draft	Lowe, Keith v Frame et al	Milnes, Lydia	draft motion for joinder and proposed amended compl.

\$1,947.50

Date	Amount	Billable Time	Task	Reference	User	Description
06/12/2025	\$712.50	1 Hours 30 Minutes	Draft	Lowe, Keith v Frame et al	Milnes, Lydia	draft motion for order to release records
06/12/2025	\$142.50	18 Minutes	Discussion	Lowe, Keith v Frame et al	Milnes, Lydia	discuss motions strategy with LN

\$855.00